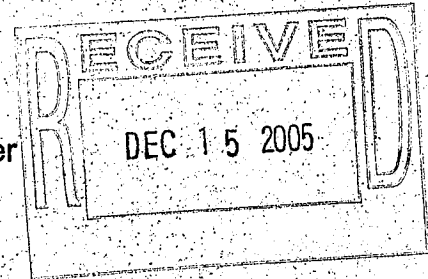




December 14, 2005

Mehdi Morshed, Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento CA, 95814

Mr. David Valenstein, Environmental Program Manager
Office of Passenger Programs
Federal Railroad Administration
U.S. Department of Transportation
1120 Vermont Avenue, Mail Stop 20
Washington, D.C. 20590



Re: Notice of Preparation and Notice of Intent of the Program EIR/EIS for the
Bay Area to Central Valley High-Speed Train

Dear Messrs. Morshed and Valenstein:

The California Department of Parks and Recreation (California State Parks) welcomes the opportunity to provide comment on the Notice of Preparation (NOP) and Notice of Intent (NOI) for a Second Tier Program Environmental Impact Report / Environmental Impact Statement (Program EIR/EIS) on California's High-Speed Train System.

California State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Responsible Agency (PRC § 21069) and a Trustee Agency as used by CEQA, its Guidelines, and as defined by CCR § 15386 for the resources affected by this project within units of the State Park System. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation. The 1.4 million-acre California State Park System, for which we are responsible, is currently made up of 278 classified units and several major unclassified properties.

California State Parks is concerned that a High-Speed Train (HST) mountain crossing between the Bay Area and Central Valley will result in irreversible damage to the natural, cultural, and scenic resources of the State Park System. We strongly urge the High Speed Rail Authority (Authority) and the Federal Railroad Administration (FRA) to address impacts to landscape-level features, as well as to specific sensitive and special-status resources, in the Second Tier Program EIR/EIS. Adequate analyses will enable selection of a preferred alignment that avoids or minimizes impacts associated with these resource values. Features that typify the landscape-level scale may include important

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recreation areas and viewsheds, regional recreation trail corridors, key watersheds, wildlife habitats and corridors, cultural landscapes and sacred sites, and significant geological features and paleontological resources. Even though it is a planning-level document, the Second Tier Program EIR/EIS should adequately analyze potential impacts of the HST mountain crossing to these, and all other resources, so an alignment that would irreversibly degrade or destroy resources is not further considered in the planning process.

According to the map and written project description in the NOP, we have determined that at least ten State Park System units (SPS units) have the potential to be affected by a new rail alignment, including Henry W. Coe State Park. The "possible alignment area" identified on the map is represented by a shaded area that we estimate to be over 3,600 square miles in size. The only park unit mapped and labeled within or in close proximity to this area is Henry W. Coe State Park. In reality, the "possible alignment area" spans a region of relatively concentrated park lands and open space managed by a variety of government, non-profit, and private entities. The ten SPS units that appear to occur within or immediately adjacent to the study area include:

- State Parks - Caswell Memorial, Great Valley Grasslands, Henry W. Coe, and Pacheco;
- State Recreation Areas - George J. Hatfield, Lake Del Valle, McConnell, and San Luis Reservoir;
- State Vehicular Recreation Area - Carnegie;
- Other Park Projects - Martial Cottle Ranch.

While the Authority and the FRA have pledged to avoid Henry W. Coe State Park, it is possible that the rail alignment will ultimately run close enough to it and other SPS units to cause significant impacts, some of which will be unavoidable. For example, we believe that the alignment coming within 900 feet of McConnell and San Luis Reservoir State Recreation Areas will incur significant, unavoidable impacts to the recreation and resource values of the two units. Potential impacts of particular concern for these and the other units include, but are not limited to, the following planning processes and resource values. Please consider these issues during your planning efforts and in preparation of the Second Tier Program EIR/EIS.

SPS Unit Classifications, General Plans, and Additional Planning Efforts:

SPS units are operated according to their classification (PCR § 5019.50 through 5019.74) and individual general planning documents (PCR § 5002.2).

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The classification statutes set forth the primary purpose of each classified unit, identify in general what types of facilities and uses may be permitted, and provide direction on how unit resources shall be managed. A general plan is a formal land-use planning document that provides broad policy and programmatic guidance regarding the development and management of an individual classified unit of the State Park System, including its natural, archaeological, historic, scenic, aesthetic, and recreation values. The guidance from each general plan is essential to California State Parks' managers and staff, and is of value to those organizations and individuals who have a substantial interest in the State Park System and its individual units. We request that direct, indirect, and cumulative impacts to long-range planning, management, and development of our units be considered. The Second Tier Program EIR/EIS should also explain any conflicts and proposed resolutions to impacts related to California State Parks planning documents, such as general plans.

Another component of planning is the ongoing effort to acquire new properties to add to existing units and to establish entirely new park units. New properties have the potential of being impacted by proposed actions if not considered during the time that the Program EIR/EIS is being prepared. Thus, we urge the Authority and FRA to consult with us throughout environmental review for the Program EIR/EIS and future project development processes regarding our ongoing planning and acquisition efforts. One such current and ongoing effort is the Central Valley Vision, an effort to guide future State Park System acquisition and development projects in one region under-represented by California State Parks. More information on the Central Valley Vision and other planning efforts are located at <http://www.parks.ca.gov/planning>.

Recreation:

We request that separate topics related to the multifaceted aspects of recreation be brought together into a single chapter in the Second Tier Program EIR/EIS. The recreation value of the State Park System is inclusive of, but not limited to, resource issues and park land loss covered in the Department of Transportation Act Section 4(f) and Land and Water Conservation Fund Act Section 6(f).

Recreation use and enjoyment throughout the State Park System overlap many other park resource values and thus are often inseparable from them. For example, natural resources, cultural features, and noise level and visual stimuli consistent with the park setting enhance, and are valued as part of, the recreation experience. Also, a linear rail alignment that transects the landscape

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on a regional scale may parallel or transect recreational trail corridors, like the Bay Area Ridge and San Francisco Bay Trails, which link public lands and open space under multiple jurisdictions. In such cases, noise, vibration, and visual impacts to the natural landscape are of chief concern. Impacts to these resources would lead to a degraded recreation experience for park visitors. A diminished experience most likely will cause a drop-off in visitorship, a subsequent decrease in regional park land value, and a decline in recreation-generated revenues for equipment, fees, and services.

A comprehensive recreation section in the Program EIR/EIS should contain information not currently included with the standard 4(f) and 6(f) analyses, such as direct impacts of the project by nature of its physical proximity to SPS units, indirect impacts that alter existing recreation conditions at the units, socio-economic impacts, and cumulative impacts in relation to other projects. As with our recommendations during the First Tier Program EIR/EIS process, we refer the Authority and FRA to another of our planning resources, the California Outdoor Recreation Plan 2002, and a regional and statewide trails reference, the California Recreational Trails Plan (Phase I), for further information.

Visual and Aesthetic Resources

Based on analysis and development of alternative rail alignments for the Second Tier Program EIR/EIS, it is reasonable to expect that the Authority and FRA will be able to anticipate which alignments will be within the line of sight of any SPS units. California State Parks may be able to provide additional information about vantage points and viewing areas from locations within parks for analysis of potential visual impacts and mitigation measures.

Any alternative alignment designed to pass near SPS units or other designated conservation lands will cause noise and vibration impacts from construction, HST operation, and facility operations and maintenance. In regard to HST operation, speeds will most likely range from 150 to 220 miles per hour through "less constrained" open areas as described in the First Tier Program EIR/EIS. Consequently, HST will be loudest in undeveloped areas where the ten SPS units described previously, and other conservation lands, tend to occur. Increased speeds will cause high noise transference over open spaces, especially on elevated structures where sound may spread twice as far (First Tier Program EIR/EIS, page 3.4-10). Therefore, noise levels introduced by the proposed project will disrupt the natural, historical, and wilderness settings that characterize the ten SPS units. Whether noise levels are above recommended

Environmental Protection Agency (EPA) and FRA standards is irrelevant in regard to the recreation experience; any introduced, unnatural noise will detract from the sense of place of nearby units, whether it be the outstanding natural and cultural environment, the tranquility and isolation of the State Wilderness experience, or earlier eras preserved at cultural sites and historic units. As a result of increased noise, the visitor recreation experience will be diminished.

As stated previously, the "possible alignment area" on the NOP map spans a region of relatively concentrated SPS units and other conservation lands. Any proposed alignment in the general vicinity of these jurisdictions should be rated high for noise and vibration impacts because of the realistic probability that HST noise will intrude upon existing ambient noise levels. Furthermore, screening distances should be significantly more than 900 feet, especially for park lands in rural and natural settings, and be adequately defined for SPS units and conservation lands once the alternative alignments are determined.

Proposed mitigation should include pre- and post-project monitoring of noise and vibration levels. Also, while constructed noise barriers and tunnels may provide some relief from HST noise, they will have impacts in their own right that will require mitigation.

Natural Resources:

California State Parks manages each SPS unit to protect the natural and sustainable function of ecosystems, as well as special-status resources. Construction, operation, and ongoing management activities associated with the HST mountain crossing are likely to impact natural resources, such as biological, geological and soil, paleontological, hydrologic, and water and air quality values. Impacts of such large scale actions realistically would encompass landscape-level resources like watersheds and wildlife corridors. Thus, impacted areas may include multiple SPS units, even if the units are not transected or immediately adjacent to a proposed rail corridor. Consequently, it is critical for the Second Tier Program EIR/EIS to develop alternatives that avoid direct and indirect impacts to SPS units and other critical publicly and privately protected conservation lands in order to avoid habitat fragmentation and degradation. Following are impacts and concerns that may arise.

- Loss of habitat along the preferred alignment, construction staging areas, and associated permanent maintenance and operation facilities, public stations, and other necessary infrastructure;

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- The general impacts and scale of construction, tunneling, access roads, and other earthmoving activities as these relate to disruption of vegetative cover, introduction of exotic and invasive plant species, compacted soils, erosion, sedimentation of waterways, hazardous materials, and the long-term effects of such disturbance;
- Transection of riparian areas and wetlands and related impacts to wildlife, including but not limited to sensitive and special-status species;
- Disruption of regional wildlife movement by linear corridors with the physical nature of the infrastructure presenting a barrier to wildlife;
- The impact of noise and vibration of construction activities and ongoing HST movement on small mammals, ground nesting birds (i.e., flushing and predation) and other wildlife activity, foraging, movement, and migration;
- Increased air and dust pollution from rail construction activities and from air pollution generated at some power plants for the electricity needed to run the HST system;
- The impact of light pollution, such as night lighting for construction activities and lighting of permanent infrastructure and facilities;
- Impacts of electromagnetic fields (EMF) on wildlife movement and migration;
- Collision by and electrocution of avian species with electrical wires, regularly spaced 26-foot catenary poles, new transmission lines, and transformers;
- Impacts to unique and aesthetically beautiful geological formations, as well as those of scientific interest, energy value, and related to hazardous geological areas, unstable soils, and fault areas;
- Impacts to paleontological resources, which are as a rule rare even in areas of local, high density.

Habitat degradation and wildlife corridor fragmentation between SPS units and other open space lands, such as The Nature Conservancy's Mount Hamilton Project conservation lands, are two of our highest concerns. Biological resources known to occur within SPS units may include sensitive and special-status species and their habitats, wetlands, unique plant assemblages, and wildlife corridors that are not constrained by unit boundaries. The First Tier Program EIR/EIS states that the preferred north-south alignment is more of a barrier to wildlife than traditional transportation corridors. We also believe this will be the case for the HST mountain crossing because the double-tracked, entirely fenced/walled, and grade-separated right-of-way will typically be 100 feet

wide, equivalent in size to a securely fenced six-lane highway. It is highly likely that SPS units known for their natural resource values and that are within the "possible alignment area" will be significantly impacted. Wildlife corridors and habitat linkages occur on a landscape-level and should be analyzed at the program-level to avoid impacts of a preferred alignment. An assessment of rail alternatives should document and update information about intact wildlife corridors and core habitat in more detail than the general planning-level *Missing Linkages* document (California Wilderness Coalition, 2000) referenced in the First Tier Program EIR/EIS. More detailed landscape-level analysis is necessary now because analysis deferred until project-level work will artificially fragment intact functional ecosystems for small-scale study. Other readily available scientific and environmental documents are available and should be used for landscape-level analysis. To determine impacts to intact ecosystems, the total sum of core habitat and wildlife corridor area acreage intersected by the alternative alignments should be quantified and included in Second Tier Program EIR/EIS impact and mitigation analyses. This effort will provide a realistic depiction of habitat fragmentation impacts from alternative alignment compared to the No Project alternative. Additionally, please include a discussion of mitigation strategies with pre- and post-project monitoring methods of corridor and associated core habitat use.

Cultural Resources:

Construction activities for the HST mountain crossing will likely result in infrastructure consolidation, new facility and local transmission line development, and a new need for operations and maintenance along the linear transportation corridor. These activities have the potential to disturb, degrade, or damage archaeological sites, buried archaeological remains, historic structures or features, cultural landscapes, and sacred sites of significance to California State Parks and to the history of the State of California. In addition, ongoing train vibration has the potential to impact cultural resources, such as historic structures. We urge protection of archaeological and historical resources within, adjacent to, and in the vicinity of SPS units that may be pertinent to interpretation of cultural resource values. Protections, such as avoidance and minimization measures, identification, and interpretation should be addressed in the Second Tier Program EIR/EIS. Along with the need for research and surveys prior to site-specific studies, we request that any new facilities be designed and constructed to avoid archaeological remains to the greatest extent practicable. If unavoidable, an appropriate recovery plan should be considered and if remains are found during construction, work should be stopped for recordation, determinations, and development of a protection plan. In addition, all historical

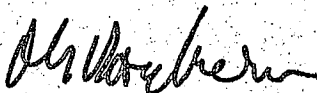
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resources should be mapped, recorded, and evaluated to determine eligibility for placement on the National Register of Historic Places. The project ultimately should be designed to avoid significant impacts to potentially eligible historic resources.

In summary, California State Parks encourages the Authority and FRA to avoid direct, indirect, and cumulative impacts to units of the California State Park System with careful planning during the Second Tier Program EIR/EIS process. Detailed studies and analyses will also be necessary for any site-specific environmental documents prepared in relation to the Program EIR/EIS. With that said, it is important that the Authority and FRA make particular efforts to consult with this Department throughout future environmental review and project development processes.

As this proposed project proceeds through the environmental review process, we anticipate that we will be able to define issues in more detail and possibly bring others to your attention. If any of our current comments need clarification or further explanation please do not hesitate to contact me at (916) 653-6725 or r-rayb@parks.ca.gov.

Sincerely,



Richard Rayburn
Chief
Natural Resources Division

cc: Resources Agency
Mathew Fuzie, District Superintendent V, Monterey District
Donald Monahan, District Superintendent V, Diablo Vista District
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